Annexure 7

THE CRIMINAL LAW AND IDENTIFICATION OF PRISONERS (MYSORE EXTENSION AND AMENDMENT) BILL, 1973.

(L.A. Bill No. 30 of 1973)

A Bill to provide for extension of the Criminal Law Amendment Act, 1932 and the Identification of Prisoners Act, 1920 to the whole of the State of Mysore and further to amend it in its application to the State of Mysore.

WHEREAS it is expedient to extend the Criminal Law Amendment Act, 1932 and the Identification of Prisoners Act, 1920 to the whole of the State of Mysore and further to amend it in its application to the State of Mysore.

BE it enacted by the Mysore State Legislature in the Twenty-fourth Year of the Republic of India as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Criminal Law and Identification of Prisoners (Mysore Extension and Amendment) Act, 1973.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force at once.

2. *Repeal of certain enactments and extension of certain Central Acts.*—(1) The enactments specified in the Schedule as in force in the respective areas of the State mentioned against each enactment, are hereby repealed.

(2) As from the date this Act comes into force the amendments made in the Identification of Prisoners Act 1920 (Central Act 33 of 1920) by the enactments repealed by sub-section (1), (hereinafter in this section referred to as the repealed enactments) shall cease to continue and shall be omitted from the Identification of Prisoners Act, 1920 and such of the provisions thereof as were affected by the repealed enactments shall stand revived to the extent to which they would have otherwise continued in operation but for the passing of the repealed enactments ; and after such revival, the Criminal Law Amendment Act, 1932 (Central Act 23 of 1932) and the Identification of Prisoners Act, 1920 (Central Act 33 of 1920) are hereby extended to, and shall be in force in the whole of the State of Mysore and the amendments made to the said Acts by this Act shall become operative :

Provided that in respect of provisions which cease to continue by virtue of this section, the provisions of section 6 of the Mysore General Clauses Act, 1899 (Mysore Act 3 of 1899), shall be applicable as if such provisions

were enactments repealed by a Mysore Act and in respect of provisions which cease to continue but are re-enacted by this Act, the provisions of sections 8 and 24 of the said Mysore General Clauses Act, 1899, shall be applicable as if the said provisions had been repealed and re-enacted by this Act

3. *Amendment of Central Act 23 of 1932* :—In the Criminal Law Amendment Act, 1932 (Central Act 23 of 1932) in sub-section (2) of section 1, after the words and letter "Part B State," the following words, brackets, letters and figures shall be added, namely :—

"Other than the territories specified in clause (*a*) and clause (*c*) of sub-section (1) of section 7 of the States Reorganisation Act, 1956 (Central Act 37 of 1956)."

4. *Amendment of Central Act 33 of 1920* :—In the Identification of Prisoners Act, 1920 (Central Act 33 of 1920),—

(1) in sub-section (2) of section 1, after the words and letter "Part B States", the following words, brackets, letters and figures shall be added, namely :—

"Other than the territories specified in clause (*a*) and clause (*c*) of sub-section (1) of section 7 of the States Reorganisation Act, 1956 (Central Act 37 of 1956)";

(2) for section 4, the following sections shall be substituted, namely :—

"4. *Taking of measursments or photography of unconvicted persons.*—Any person—

(*a*) who has been arrested—

(i) under section 55 of the Code of Criminal Procedure, 1898;

(ii) in connection with an offence punishable under section 96 of the Mysore Police Act, 1963, or in connection with an offence punishable with rigorous imprisonment for a term of one year or upwards or in connection with an offence for the commission of which on a second or subsequent occasion enhanced penalties have been provided for under any law for the time being in force; or.

(*b*) in respect of whom direction or order under section 54 or 55 of the Mysore Police Act, 1963 has been made,

shall, if so required by a police officer, allow his measurements or photograph to be taken in the prescribed manner.

4A. *Taking of measurements, etc., of habitual offenders against whom restriction orders made.*—Any Person against whom an order of restriction has been made under the provisions of the Mysore Habitual Offenders Act, 1961 shall, if so required by a police officer, allow his measurements and photographs to be taken in the prescribed manner.";

(3) for the first proviso to section 5, the following proviso shall be substituted, namely :—

"Provided that no order shall be made directing any person to be photographed except by a District Magistrate, a sub-Divisional Magistrate or a Magistrate of the first class;";

(4) for section 7, the following section shall be substituted, namely :—

"*7 Destruction of photographs and records of measurements, etc., on acquittal.*—Where any person who, not having been previously convicted of an offence punishable with rigorous imprisonment for a term of one year or upwards, has had his measurements taken or has been photographed in accordance with the provisions of this Act is released without trial or discharged or acquitted by any court, all measurements and all photographs (both negatives and copies) so taken shall, unless the Court or (in a case where such person is released without trial) the District Magistrate or the Sub-Divisional Magistrate or in any area for which a Commissioner of Police has been appointed, the Commissioner of Police for reasons to be recorded in writing otherwise directs, be destroyed or made over to him.":

(5) in clause (*e*) of sub-section (2) of section 8 for the words "under section 3", the words "in accordance with the provisions of this Act" shall be substituted.

SCHEDULE

Sl. No.	*Year and number of enactment*	*Name of enactment*	*Area where enactment is in force*
1.	Bombay Act XI of 1922	The Identification of Prisoners (Bombay Amendment) Act, 1922.	Bombay Area
2.	Bombay Act XXI of 1935,	The Identification of Prisoners (Bombay Second Amendment) Act, 1935.	Bombay Area
3.	Bombay Act XV of 1948.	The Identification of Prisoners (Bombay Amendment) Act, 1948,	Bombay Area
4.	Bombay Act LVIII of 1953	The Identification of Prisoners (Bombay Amendment) Act, 1953.	Bombay Area
5.	Hyderabad Act XXVII of 1956	The Identification of Prisoners Application (Hyderabad Amendment) Act, 1956.	Hyderabad Area
6.	Mysore Act VI of 1922	Identification of Prisoners Act, 1922.	Mysore Area

STATEMENT OF OBJECTS AND REASONS

Identification of Prisoners Act 1920 (Central Act 33 of 1920) is in force in the Bombay Area, the Hyderabad Area, the Madras Area and the Coorg District. In the Mysore Area the Mysore Identification of Prisoners Act 1922 (Mysore Act VI of 1920) is in force. To bring about uniformity it is found necessary to extend the Central Act to the whole of the State of Mysore and to amend section 4 providing for the taking of measurements and photographs of persons arrested under section 55 Cr. P. C., section 96 of the Mysore Police Act, 1963, in connection with offences punishable with imprisonment for a term of one year or more or for the commission of which on a second or subsequent occasion enhanced an offence penalties have been provided. Provisions for taking measurements, etc., of habitual offenders against whom orders of restriction are made are also necessary.

2. The Criminal Law Amendment Act, 1932 (Central Act XXIII of 1932) is at present in force only in the Bombay Area, the Madras Area and the Coorg District. It is necessary to extend the Act to the other areas of the State.

3. Hence this Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4.—Sub-clause (2) of this clause empowers the State Government to prescribe by rules the manner in which measurements or photographs of unconvicted persons and habitual offenders against whom restriction order is made may be taken.

The delegation of the proposed legislative power is of a normal character.

R. D KITTUR

TE. HANUMANTHAPPA,

Secretary